REMARKS

Reconsideration is respectfully requested.

Claims 1 through 37 remain in this application. No claims have been cancelled or withdrawn. Claims 38 through 49 have been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraphs 2 and 3 of the Office Action

Claim 10 has been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

The above amendment to claim 10 is believed to clarify the requirements of claim 10, especially the particular point identified in the Office Action.

Withdrawal of the §112 rejection of claim 10 is therefore respectfully requested.

Paragraph 4 of the Office Action

Claims 1 through 5, 7, 8, 10 through 16, 18 through 22 and 24 through 37 have been rejected under 35 U.S.C. §102(b) as being anticipated by Dowling et al (U.S. 6,522,875).

Claim 1 requires, in part, "receiving by the communication device a broadcast advertisement containing *advertisement* data" (emphasis added). Claim 14, as amended, requires "receiving by the communication device one or more broadcast advertisements containing *advertisement* data" (emphasis added). Claim 19 requires, in part "logic for receiving a broadcast advertisement containing *advertisement* data" (emphasis added). Claim 28 requires "logic for selecting one or more *advertisements* based on the received acceptance data" (emphasis added). Claim 33, particularly as

amended, requires "an advertisement broadcasting system capable of transmitting one or more broadcast advertisements to the mobile communication device, the one or more broadcast advertisements containing *advertisement* data" (emphasis added).

It is asserted in the Office Action that the Dowling patent discloses a "broadcast advertisement containing advertisement data", particularly pointing to the portion of the Dowling patent at col. 9, line 41 through col. 10, line 39. However, the Dowling patent, and particularly this portion of the Dowling patent, is very vague as to the contents or makeup of the "broadcast-data packets" transmitted by the "local broadcast domain antenna". The fact that the Dowling system relies upon the download of web pages to provide the user with information about the establishments indicates that the broadcast data packets of Dowling do not include "advertisement data", but more likely include information about location.

In particular, the Dowling patent states at col. 9, lines 41 through 65 (emphasis added):

> The broadcast-data packet is next routed from the broadcast reception module 220 into the input of the packet filter 225. The packet filter 225 is operative to selectively pass the broadcast-data packet if it meets a criterion encoded into one or more packet-filter parameters. The packet-filter parameters may be derived from information supplied from either the network interface module 205 and/or the user input-output module 210. The packet filter parameter typically includes one or more packet-header bit masks. If the header of the broadcast-data packet matches the bit mask, the packet is passed through the packet filter. If the header of the broadcast-data packet does not match the bit mask of the packet-filter parameter, the packet is rejected and no output packet is produced at the packet filter output. In this way, the packet filter selectively passes the broadcast packet, passing it if it matches the mask and rejecting it otherwise. The set of information deemed to be of interest to the user that will pass through the packet filter is called an "information class." Alternatively, the broadcast-data packet may contain keywords. The keywords are compared to a list of keywords provided from either the network interface module 205 and/or the user input-output device 210. If the keyword in the keyword list of the broadcast-data packet matches a keyword list, the packet is passed through the packet filter. If no match is found, the packet is rejected.

Again, this referenced portion of the Dowling patent is vague about the contents or makeup of the broadcast-data packet, and does not indicate that the packet includes "advertisement data". The emphasized section of the reproduced portion of the Dowling patent mentions the presence of a "keyword" in the broadcast-data packet, however, there is no clarification or example of what the keyword is or may be in order to determine if the keyword comprises "advertisement data" as required by the applicant's claims. Moreover, it is submitted that, rather than comprising "advertisement data", the keyword is more likely to comprise something like a present location of the user, which is consistent with the illustrative scenario set forth in the Dowling patent discussed below, rather than the keyword having any advertising data.

The Dowling patent further states, at col. 10, lines 10 through 39, that (emphasis added):

> The output of the packet filter is coupled to the network interface module 205. The output of the packet filter includes any broadcast-data packet that passes through the packet filter. The packet filter output is then used to control information flow on the first network connection 112. For example, the vehicle 102 has recently entered a new city at lunchtime and the user input-output module is manipulated by a user to navigate to a web page for restaurants. This may be done using standard techniques by entering a network address such as a URL, by entering keywords into a search engine or by clicking upon a bookmark in a web browser display. When the user connects to the web page for restaurants, a packet filter mask is downloaded from the web page for restaurants and loaded into the packet filter. Next the network connection is placed in an inactive state whereby the restaurant page is displayed with no physical network connection being needed. The restaurant web page is displayed until the vehicle enters the range of the local broadcast domain entity 150 which broadcasts possibly a complete packet stream comprising a plurality of different types of broadcast-data packets. Only the broadcast-data packets relating to restaurants are allowed to pass through the packet filter 225. <u>These data packets are then passed to the network interface module 205 which sends one or more application request packets to the network server 125. The network server 125 then preferably downloads a set of web pages containing the menus and other</u>

> information related to the restaurants associated with the received broadcast-data packets. This downloading occurs over the network connection antenna 110.

Thus, the broadcast-data packet received by the system does not contain sufficient data or information to display or otherwise generate an advertisement. Instead, the broadcast data packet that makes it through the packet filter is used to contact the network server to trigger downloading of web pages from the network ("over the network connection antenna"), data that is required before displaying any information, such as the information identified in the example set forth in the Dowling patent, restaurant menus.

The Dowling patent continues at col. 9, line 66 through col. 10, line 9, where it states (emphasis added):

> A packet filter parameter is similar to a network address in that a particular network entity will receive a packet if information contained therein (such as a network address) matches a criterion and reject it otherwise. However, a packet filter differs from a network address in that a packet may be filtered based on other criteria as well. For example a packet filter may be constructed to reject packets sent from a particular network address, or to pass packets only marked to contain specific types of information. Hence packet filters allow information to be selectively received based upon other criteria beside network addresses.

This portion of the Dowling patent is also very general with regard to what might be contained in the broadcast-data packet. There is only a general reference to "specific types of information", but that statement leaves one of ordinary skill in the art guessing as to whether the broadcast-data packet actually includes any advertising data.

The referenced portion of the Dowling patent continues at col. 10, line 10 through 23:

> The output of the packet filter is coupled to the network interface module 205. The output of the packet filter includes any broadcast-data packet that passes through the packet filter. The packet filter output is then used to control information flow on the first network connection 112. For example, the vehicle 102 has recently entered a new city at lunchtime and the user input-output module is manipulated by a user to navigate to a web page for

> restaurants. This may be done using standard techniques by entering a network address such as a URL, by entering keywords into a search engine or by clicking upon a bookmark in a web browser display. When the user connects to the web page for restaurants, a packet filter mask is downloaded from the web page for restaurants and loaded into the packet filter.

Clearly from this portion of the Dowling patent referenced in the Office Action, the Dowling system is looking to the network for information regarding services available in the locality that the user is in, and this portion does not suggest that the broadcast-data packet is supplying advertising information. The referenced portion of the Dowling patent further states at col. 10, lines 23 through 34 (emphasis added):

> Next the network connection is placed in an inactive state whereby the restaurant page is displayed with no physical network connection being needed. The restaurant web page is displayed until the vehicle enters the range of the local broadcast domain entity 150 which broadcasts possibly a complete packet stream comprising a plurality of different types of broadcast-data packets. Only the broadcast-data packets relating to restaurants are allowed to pass through the packet filter 225. These data packets are then passed to the network interface module 205 which sends one or more application request packets to the network server 125.

While the text of the Dowling patent here indicates that only packets relating to restaurants are passed through the filter, there is no explanation of what information in the packet might cause that, or, more importantly, that there is any advertising data in the broadcast-data packet. Significantly, nothing in this portion of the Dowling patent appears to indicate that anything from the filtered broadcast-data packets is used for (or capable of) generating an advertisement. Instead, the packet is used to generate a "request packet" to the network server, rather than supplying any advertising information to the user of the Dowling system.

Continuing on with the examination of the Dowling patent, it states at col. 10, lines 34 through 39 that (emphasis added):

> The network server 125 then preferably downloads a set of web pages containing the menus and other information related to the restaurants associated with the received broadcast-data packets. This downloading occurs over the network connection antenna 110.

Significantly, this section of the Dowling patent indicates to one of ordinary skill in the art that the displayed information (regarding, in this example, a restaurant) is downloaded over the network connection that is maintained by the system, and not from the broadcast-data packets. It is submitted that one of ordinary skill in the art, considering this portion of the Dowling disclosure, would not be led to understand that advertising data is received through the broadcast-data packets, but instead the restaurant information that is displayed comes from web pages requested and received over the network connection.

Additionally, the Dowling patent provides further confirmation of the receipt of the information about the restaurant over the network connection (via access to web pages), and not the broadcast-data packets, at col. 10, lines 40 through 49 (emphasis added):

> Note the above system allows a user to log into a web page using known methods. Subsequently the system is operative to navigate to selected web sites, such as those associated with local restaurants, based on the physical location of the mobile unit 105. As the mobile unit 105 enters a new local broadcast domain, a new set of associated web pages will be downloaded. Hence the user need not click on links to find an Internet site but rather drive about geographically to navigate the Internet.

Again, this subsequent portion of the Dowling patent further indicates that information regarding a restaurant is gained through accessing web pages over the network connection, without any reference to data from the broadcast-data packets.

It is therefore submitted that the Dowling patent would not lead one of ordinary skill in the art to the applicant's claimed invention as defined in claim 1, especially with the requirements set forth above, and therefore it is submitted that claim 1 is allowable over the prior art. Further, claims 14, 19, 28, and 33 include similar requirements and are also submitted not to be anticipated by the Dowling patent. Additionally, claims 2 through 13, 15 through 18, 20 through 27, 29 through 32, and 34 through 37, which depend

from claims 1, 14, 19, 28, and 33, respectively, also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

With respect to the rejections of claims 10, 11, 12, 13 and 14, it is noted that in the portions of the Dowling patent to which specific reference is made in the discussion of these claims, the Dowling patent is describing a *different* embodiment of the Dowling system from that described previously in the Dowling patent (and from that discussed above). This other embodiment of the Dowling system actually discards the "local broadcast domain antenna 145" of the first embodiment in favor of a "satellite antenna" that is intended to receive positional data from the GPS satellite. It is clear that the GPS satellite does not transmit "a broadcast advertisement containing advertising data" as required by claim 1 (and the other independent claims of the present application).

In particular, the referenced portion of the Dowling patent at col. 11, lines 26 through 54 states (emphasis added):

> In another preferred mode of operation, the mobile unit 105 is modified to include the satellite antenna 140 in lieu of the local broadcast domain antenna 145. In this embodiment, the second link controller 215 and the broadcast reception device 220 are a part of a GPS receiver system. The GPS receiver system provides a set of geographical positional information to the packet filter 225. The packet filter 225 now operates as a control module 225. The control module 225 is operative to perform a comparison of the mobile unit's geographical position to a control parameter, and when the comparison provides an affirmative result, the control module is operative to request a signal comprising image information such as web pages to be transmitted. The control parameter preferably includes an interest designator indicative of an information class. The interest designator, like the packet mask indicates the user's current interest, such as restaurants. For example, when the user enters a new locality as defined by a grid granularity, information related to the mobile unit 105's location is uploaded via the first network connection 112 and the network server 125 downloads the set of restaurant web pages registered for the current locality. Preferably, the control module 225 is loaded with a list of web site designators within the scope of the interest designator. With each web site designator is a geographical coordinates mask. When the mobile unit's GPS coordinates are

> within the range of the web site's domain, either a stored web page is displayed or the virtual session is activated and the associated web pages are downloaded.

If anything, the substitution of the GPS receiver for the "local broadcast domain antenna" in the Dowling system (with otherwise similar function to the first embodiment) provides further evidence that the broadcast-data packet transmitted by the local broadcast domain antenna contains current *location* information, but nothing regarding "advertisement data", since that is clearly what is provided by GPS satellite.

Specifically, with regard to claims 10 through 13, clearly a "broadcast advertisement" is not involved with this embodiment of the Dowling system (again, the GPS satellite is not broadcasting advertising), so even if one assumes that this portion of the Dowling patent includes elements of claims 10 through 14, clearly this embodiment of the Dowling system does not include the broadcast advertising requirement of claim 1 from which these claims depend. Therefore, it is submitted that Dowling does not anticipate these claims.

Withdrawal of the §102(b) rejection of claims 1 through 5, 7, 8, 10 through 16, 18 through 22 and 24 through 37 is therefore respectfully requested.

Paragraph 5 of the Office Action

Claims 6, 9, 17 and 23 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Dowling et al (U.S. 6,522,875) in view of Huang et al (U.S. 6,571,245).

Regarding claim 6, which requires "the step of modifying the acceptance data by integrating entries from a personal information manager", the Office Action states that:

> As per claim 6, Dowling teaches the method of claim 1, but fails to teach further comprising the step of modifying the acceptance data by

> integrating entries from a personal information manager. Huang leaches a web page personal information manager which interfaces with personal digital assistance computers (see figure 10; column 13, lines 15-39).

The rejection of the Office Action that goes on to state that:

> it would have been obvious to a person ordinary skill in the art at the time the application was made, to know that users of the Dowling system would use a personal information manager to Input data, as taught by Huang, which would interface with the personal digital assistance taught by Dowling (see column 7, lines 23-26). The personal information manager would give users a more friendly display to input data and manage files.

While the Huang patent may disclose transfer of information from a personal information manager on a personal digital assistant to a personal computer, it is submitted that merely alleging that transferring information from a personal information manager such as in the Huang patent to the system of the Dowling patent "give users a more friendly display to input data and manage files" is not a motivation found in the prior art, especially in light of the fact that the Dowling system appears to rely almost entirely upon downloads from the network server for things such as the bit mask for the "packet filter" (see, e.g., Dowling at col. 9, lines 41 et seq.), rather than any local (e.g., PIM) source.

Therefore it is submitted that a prima facie case of obviousness of the combination has not been set forth in the Office Action, and therefore claim 6 is submitted that claim 6 is allowable over the prior art.

Further with respect to claim 9, which requires "reading deletion data in a stored advertisement, wherein the deletion data indicates criteria for deleting the stored advertisement" and "deleting the stored advertisement from the communication device based on the deletion data", the Office Action states:

> As per claim 9, Dowling teaches the method of claim 8, but fails to teach further comprising the steps of: reading deletion data in a stored advertisement, wherein the deletion data indicates criteria for deleting

> the stored advertisement; and deleting the stored advertisement from the communication device based on the deletion data. Huang teaches a web page personal information manager which Interface with personal digital assistance computers and which allows to save and delete flies In a similar manner as a desktop computer (see figure 10; column 8, lines 63-67; column 13, lines 15-39). Therefore, it would have been obvious to a person ordinary skill in the art at the time the application was made, to know that users of the Dowling system would use a personal information manager to input data and delete flies, *as* taught by Huang, which would interface with the personal digital assistance taught by Dowling (see column 7, lines 23-26). The personal information manager would give users a more friendly display to input data and manage files.

Again, the same "motivation" is relied upon here as in the rejection of claim 6, and it is submitted that one of ordinary skill in the art, considering the Dowling patent, would not be motivated by the prior art to combine the Huang patent with the Dowling patent in the manner set forth in the Office Action.

Further, it is noted that the Dowling patent describes a system in which *web pages*, and not the broadcast-data packets, are loaded into a buffer (see, e.g., col. 12, lines 28 through 31 of Dowling), and does not indicate that the broadcast-data packets are saved for any length of time, especially since the broadcast-data packet is used immediately to trigger download of information from the network server.

It is therefore submitted that the requirements of claim 9 are also not obvious in view of any allegedly obvious combination of the Dowling and Huang patents.

Withdrawal of the §103(a) rejection of claims 6, 9, 17 and 23 is therefore respectfully requested.

Added Claims

Added claim 38 requires that "the advertisement data of the broadcast advertisement is capable of generating a display of an advertisement on the

communication device", and similarly, but not identically, claim 39 requires that "the advertisement data of the broadcast advertisement is capable of generating a display of an advertisement on the communication device without the communication device receiving additional data". As was made clear from the discussion of the text of the Dowling patent above, the Dowling system relies upon the download of web pages from the network server, and does not derive any displayable information from the broadcast-data packets. It is therefore submitted that claims 38 and 39 define over the system described in the Dowling patent.

Added claim 40 requires "the step of displaying an advertisement on the communication device generated from the advertisement data if the comparison result indicates that the broadcast advertisement meets the acceptance data", and added claim 41 requires "the step of rejecting the broadcast advertisement for display on the communication device if the comparison result indicates that the broadcast advertisement does not meet the acceptance data". Again, the Dowling system appears to be incapable of generating any advertisement from the broadcast-data packet, and claim 40 is therefore believed to define over the Dowling disclosure.

Added claim 42 requires that "the advertisement data includes at least one of: a company name, a brand name, information about a product, information about a service, price information, and a deadline for a special offer" and claim 43 requires that "the acceptance data includes at least one of: a company name, a brand name, product information, service information, price information, and a deadline for a special offer". These requirements, discussed on pages 7 and 8 of the specification, are completely foreign to the disclosure of the Dowling patent, as the Dowling patent lacks any specific disclosure of what is included in the broadcast-data patents.

Added claim 44 requires that "the broadcast advertisement includes an expiration date upon which the broadcast advertisement is purged from the communication device" which is discussed on lines 7 through 9 of page 9 of the specification of the present application. As noted above with respect to claim 9, Dowling only describes buffering web pages, and does not discuss storing the broadcast-data packets, and therefore this requirement appears to be strange to the Dowling system.

Added claim 45, which requires that "the step of storing the acceptance data on the communication device comprises manually entering the acceptance data on the communication device by the user", is based upon the specification at page 9, line 14. The Dowling patent lacks any specific disclosure that describes or suggests this requirement.

Added claim 46 requires that "the step of storing the acceptance data on the communication device comprises *selecting* by the user the acceptance data from *a predetermined list of acceptance data* on the communication device", which is described at page 9, lines 14 through 15 of the present application. It is submitted that this requirement is not suggested by anything in the Dowling patent.

Added claim 47 requires that "the step of storing the acceptance data on the communication device comprises selecting by the user acceptance data from *a template of acceptance data* on the communication device". This requirement, discussed at page 9, line 15, of the specification, is also not disclosed by the Dowling patent.

Added claim 48 requires "the step of creating acceptance data from data from a personal information manager", which is described at page 10, line 2 of the application, and added claim 49 requires "wherein the data from the personal information manager includes an event, and the acceptance data created from the data from the personal information

manager regarding the event causes acceptance of broadcast advertisements related to the event". Again, there is no suggestion in the prior art to combine the Huang teaching with the Dowling system, but even if there was, the Huang patent lacks this detail of the integration of the two systems.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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